

MINUTES – MARCH 3, 2005

The Caswell County Board of Commissioners met in special session at the Historic Courthouse in Yanceyville, North Carolina at 6:00 p.m. on Thursday, March 3, 2005. The purpose of the meeting was to meet with Representative Bill Faison to discuss legislative concerns. Members present: Nathaniel Hall, Chairman, George W. Ward, Jr., Vice-Chairman, Larry G. Hamlett, Jack W. Hooper, Jeremiah Jefferies, Kenneth D. Travis, and C. Hester Vernon, III. Also present: Jeffrey H. Earp, County Manager, Robert V. Shaver, Jr., County Attorney, Gordon Bendall representing The Caswell Messenger, and Lauren Chesnut representing The Danville Register & Bee. Wanda P. Smith, Clerk to the Board, recorded the minutes.

CALL TO ORDER

Chairman Hall called the meeting to order.

LEGISLATIVE CONCERNS

Chairman Hall welcomed Representative Bill Faison and thanked him for attending the meeting.

Chairman Hall stated that the Board has a number of legislative concerns of which they would like to request Representative Faison's assistance and support. Chairman Hall reviewed each of the following concerns:

- **Medicaid Costs**
Chairman Hall requested Representative Faison's assistance in relieving or eliminating the burden of Medicaid costs to the counties.
- **Governor's Budget**
Chairman Hall stated that Governor Easley has proposed a budget in which there is a diversion of \$15 million in ADM funds. Chairman Hall added that this will hurt counties in terms of its School construction. Chairman Hall requested Representative Faison's assistance in having these funds put back.
- **Extraterritorial Jurisdiction and Annexation**
Chairman Hall stated that the Board of Commissioners is aware that one of the local jurisdictions has requested legislation to extend its jurisdiction. Chairman Hall added that the Board of Commissioners does not support this action.
- **Agri-Business**
Chairman Hall requested Representative Faison's continued support in legislation for agri-business in terms of insurance and insurance reform.
- **Broadband**
Chairman Hall requested Representative Faison's support in getting broadband in Caswell County.

Commissioner Vernon requested that Representative Faison assist the County's tobacco farmers by keeping Use Value intact. Commissioner Vernon noted that Governor Easley is cutting spending in a lot of areas and cost sharing is one area that will be affected. Commissioner Vernon stated that he would like to see cost share money maintained. Commissioner Vernon added that working farms should be supported rather than spending State money for buying land. Commissioner Vernon noted that there are employees in Soil Conservation Service which are paid jointly by the State and County and urged assistance in having the State continue to support this worthwhile program.

Commissioner Hamlett stated that the County has land in Pelham, as well as an Industrial Park that needs water and sewer and requested Representative Faison's assistance in acquiring funding for this. Commissioner Hamlett added that the Board would also be discussing the deer dog hunting issue with him and may require his assistance in a resolution to this issue.

Commissioner Ward stated that he concurred with the comments made by Commissioner Hamlett concerning the need for assistance with the Industrial Park in Pelham, which would include assistance with paving, putting in a cul-de-sac, possibly getting a shell building built, working with Duke Power to get the upgrades for the power, and a water storage tank. Commissioner Ward added that the Board also needed assistance with the 20 acres of land it owns in Pelham across the road from the railroad tracks. Commissioner Ward stated that any help Representative Faison could give the Board in acquiring extra funding for the Schools would be appreciated.

Commissioner Travis stated that his concerns were addressed by Commissioner Ward.

Commissioner Jefferies requested Representative Jefferies' assistance in extending water to Royal Park Uniforms.

Commissioner Hooper requested Representative Faison's assistance in urging the District Attorney to prosecute hunting violators. Commissioner Hooper reported that he received a request from Mr. Dennis Cole, Transportation Supervisor, of the Caswell County School Bus Garage, for assistance in paving the parking lot at Bartlett Yancey High School and requested Representative Faison's assistance in acquiring funding for this.

Commissioner Hamlett informed Representative Faison that the Board is considering building a new Senior Center because it has outgrown the current facility and requested assistance in securing grant funds for this.

Mr. Jeff Earp, County Manager, reported that it is his understanding that the Governor has diverted \$37 million from the Tobacco Trust Fund to cover General Fund expenses and requested Representative Faison's assistance in having the money used for economic development expenses.

Commissioner Ward requested that Representative Faison be careful and not allow the disband of Tobacco Trust.

Commissioner Jefferies noted that Caswell County owns the land for a Senior Center and requested that Representative Faison try to secure \$200,000 for this project.

Commissioner Vernon requested that Representative Faison continue his opposition to the proposed cigarette tax. Commissioner Vernon stated that if there is going to be a cigarette tax, this money should be diverted to the agriculture community.

Chairman Hall opened the floor to any citizens who wished to make comments to Representative Faison.

Ms. Laurie Ray of Pelham came before the Board and thanked Commissioners Hamlett and Hooper for bringing up the trespassing issue. Ms. Ray stated that action on this issue is long overdue and was thankful to see that several other Commissioners have taken a stand on adopting the Pitt County Ordinance. Ms. Ray summarized comments made in a letter by a 70-year-old gentleman in the County who had written concerning the aggressiveness of dog hunters, torn down or ignored posted signs, the difficulty of reposting due to his age, the firm conversations he has had with trespassers, and his being a temporary landowner, but a full-time taxpayer. Ms. Ray asked where are the elderly in the County to turn to when they are trespassed upon. Ms. Ray noted that an Ordinance like that of Pitt County would hold irresponsible hunters accountable for their actions and the actions of their dogs. Ms. Ray stated that the property rights dispute resurfaced in December, 2004, and since then the Board of Commissioners has held open meetings with the Wildlife Resources Commission, Sheriff, Animal Control, landowners, homeowners, still hunters, and dog hunters and it appears to her that all of the facts should now be on the table and she did not understand why this has not been put on their agenda. Ms. Ray encouraged the Board to make this a priority, to take a look at all of the facts, and make a wise decision to make Caswell County a more safe and peaceful community in which to live.

Mr. Gordon Bendall, reporter with The Caswell Messenger, stated that Representative Nelson Cole, who formerly represented Caswell County, has always been very responsive to the County's needs and encouraged Representative Faison to form a relationship with him in order to continue his support and interest of Caswell County.

Mr. Tom Berry stated that he would like to voice his support to Commissioner Vernon in his comments concerning the tobacco tax and that this is something that Caswell County and all counties should be fighting. Mr. Berry added that he was curious in proposed changes to the Hunting Ordinance and asked for clarification as to the Board's role in the decision making process. Mr. Robert Shaver, County Attorney, answered that this depends on what the Board decides to change. Mr. Shaver stated that if the Board is considering a proposed amendment to the Hunting Ordinance, this type of change can be made at the local level. Mr. Shaver added that if the Board wants to seek a change in the hunting season, the local Board of Commissioners does not have the authority to do this and the Legislature would have to approve this. Mr. Shaver clarified that the role depends on the action that the Board decides to take. Mr. Berry asked Chairman Hall

where the Board is on the hunting issue. Chairman Hall answered that the Board has not formally discussed any proposals to the point of bringing it to a vote. Chairman Hall stated that there is a proposal that will be placed on the Board's next agenda and within the next four to six weeks a proposal will be submitted. Upon questioning from Mr. Berry, Chairman Hall answered that once the Board reviews an Ordinance or Ordinance changes that they feel will address the issue, then they have to deal with enforcement which involves resources, which includes the Sheriff's Office, Wildlife Resources Commission, and Animal Control. Mr. Berry stated that the Pitt County Ordinance does not address the releasing of dogs on the right-of-way and added that he did not feel that dog hunters should be allowed to use the State right-of-way to release or collect their dogs.

Representative Bill Faison addressed each of the legislative issues brought to his attention. Representative Faison stated that he is very much aware of the problems associated with Medicaid, as well as its impact on the County and its impact on the County tax rate. Representative Faison noted that North Carolina is one of only two states that puts the burden of Medicaid costs back on the county. Representative Faison informed the Board of two bills that have been introduced concerning the issue of the phase out of the Medicaid payment, one being a five-year phase out period and one being a six-year phase out period. Representative Faison noted that after discussions with the County Manager and DSS Director, they determined that the five-year phase out would be more beneficial for the County. Representative Faison stated that he co-sponsored a Medicaid Reduction Bill that would phase out the County's Medicaid share over five years.

Representative Faison stated that the State's budget totals approximately \$16-\$17 billion and North Carolina currently has an anticipated shortfall of \$1.2 billion. Representative Faison noted that 80% of the State's budget goes to Education, and Health and Human Services, which is predominately Medicaid. Representative Faison stated that part of the answer to this issue is that we should support an Education lottery for the State. Representative Faison noted that the Governor's Chief Economist has told him that he is very confident that if North Carolina implemented an Education lottery, the net profits would be \$450 million. Representative Faison stated that he very much supports an Education lottery to deal with some of the funding issues.

Representative Faison stated that he met with the Yanceyville Town Council and they came forward with two items that were on their agenda which were; 1) the annexation of 20 acres eight to ten miles from Town; and 2) to extend their extra-territorial jurisdiction by three miles. Representative Faison added that he asked why the Town would want to annex property that was eight to ten miles from Town and their answer was that they could then police it. Representative Faison noted that he told the Yanceyville Town Council that he needed a good reason as why they wanted to do this before he could present it in Raleigh and he was to hear from them at a later time. Representative Faison reported that the second item was the request for extra-territorial jurisdiction. Representative Faison stated that he was presented a Bill by the Council showing a two-mile extraterritorial jurisdiction, but was told that this was a typo and was supposed to

have been three miles. Representative Faison informed the Board that he introduced legislation that, if passed, would require as a precondition for extra-territorial jurisdiction, that the area in which the Town sought to exercise its jurisdiction, that the people who live in that area would first have to be given an opportunity to vote for everyone on the Board. Representative Faison added that the reasoning behind this is because when you exert extra-territorial jurisdiction, property rights are being taken. Representative Faison stated that the nature of Town regulations is to regulate property and to reduce someone's freedom and before you take away part of their freedom, including the freedom to deal with their property, you should first be elected by them to do this. Representative Faison stated that in regards to the concept of annexation, the Bill he introduced does the same thing in that before a municipality can annex a place, it first has to give the people of the area they intend to annex, a chance to vote for everybody on the Board. Representative Faison stated that when annexation occurs, you lose some of the freedom you had with your property, and you have to pay more money. Representative Faison added that he feels that this is fundamental, fair, and is the way governments should be.

Representative Faison responded to the topic of Agri-Business and stated that North Carolina's economy and farms are changing because in the past a good living could be made from a farm. Representative Faison stated that things are dramatically changing, tobacco is going away and it is difficult to find a crop or product that is in such demand that a profit such as that from tobacco can be made from it. Representative Faison added that other more creative ways have to be developed in order to use the land and stay on the land and one of those ways is agri-tourism. Representative Faison reported that North Carolina takes in approximately \$60 billion a year from tourism. Representative Faison informed the Board of some ways that innovative farmers have been moving towards agri-tourism. Representative Faison reported that he has introduced a Bill that will exempt agri-tourism activities from liability and the farm is not at risk. Representative Faison stated that basically all a farmer would need to do is post a warning notice that they are on a farm and they could get hurt.

Representative Faison addressed economic development issues and broadband and reported that he has served on the 21st Century Committee since last summer and has been involved in broadband discussions. Representative Faison stated that there are farsighted people in Caswell County working on the 21st Century Committee and Broadband Committee to try to make available to citizens in the County the opportunity to have high speed internet because everyone is moving toward an information age economy and access to the internet will be as critical as access to an interstate highway.

Representative Faison agreed that the Farm Use Tax Credit issue needs to be preserved. Representative Faison stated that North Carolina has the highest combination of income tax and sales tax in the southeast and to add more taxes to this is unnecessary and inappropriate and is not something that he supports.

Representative Faison stated that on the issue of State buying of land, he met with Mr. Dick Hamilton of the Wildlife Resources Commission and informed him that a lot of people in Caswell County are concerned that there are over 17,000 acres of land in the

County, presently owned by the State, and operated by Wildlife and that the thought of the State of North Carolina taking out of circulation additional farmland and spending State money is just not a good idea. Representative Faison added that there are other people in the County that would like to use wildlife lands and there are ways that wildlife lands could be used to promote agri-tourism in the County. Representative Faison stated that he felt that the 21st Century Committee should be looking at the wildlife lands as an economic opportunity. Representative Faison noted that as far as economic development, there are areas in the State where there are warehouses, manufacturing facilities, construction sites, etc. everywhere and they are all centrally located and this is what Caswell County is competing against as far as economic development. Representative Faison stated that when he looks at Caswell County he sees wide open space and a beautiful county with rolling lands and water. Representative Faison added that there are a number of people in surrounding counties that would love to come to a place like Caswell County that has wide open land and pay to come. Representative Faison stated that thought should be given to management of the 17,000 wildlife reserve for the economic growth of the community by servicing the hunters.

Representative Faison stated that the 21st Century Committee had discussed getting proper signage for Pelham and the Pelham Industrial Park. Representative Faison stated that it was recommended that digital photographs be taken and show it to the NC Department of Transportation so that they could get proper signage. Representative Faison added that Caswell County is very special just like it is and has tremendous value just like it is if the County could find a way to use and market that value differently.

Representative Faison stated that the NC Center for Rural and Economic Development Board approves water projects for development purposes. Representative Faison added that he felt that this Board should be able to assist Royal Park Uniforms in its water needs.

Representative Faison stated that he grew up hunting, has been hunting all of his life and also understands about land. Representative Faison added that people should be secure in their land. Representative Faison stated that when it comes to the hunting season, the County Commissioners have the authority to keep people off of someone's land. Representative Faison added that when it comes to the hunting season itself, the Wildlife Resources Commission has told him that if the County Commissioners come forward and request a change in the hunting season, they would do their best to accommodate them which can be done by an administrative process or by legislation. Representative Faison urged the Board, if they are going to request a legislative change in the hunting season, to pass a Resolution requesting this legislation for the County and he would do his best to see that this legislation is passed. Representative Faison noted that it is critical to move swiftly on this because the Wildlife Resources Commission is concerned that if there is going to be a change in the hunting season and their officers are to enforce this, then it needs to be in the "green book" which has a printing deadline.

Representative Faison addressed the issue of the parking lot at Bartlett Yancey High School and informed the Board that he has talked to the Board of Education about this.

Representative Faison stated that it is his understanding that there is some discretionary money for construction items in the County and if he could get a cost figure for the repairs to the parking lot at Bartlett Yancey, he would approach the proper officials to see if he could acquire funding for this.

Representative Faison requested that the Board give him their proposal for a new Senior Center and he would seek funding for this.

Representative Faison stated that he understands the concern for the Tobacco Trust Fund.

Representative Faison stated that North Carolina is on the verge of having more urban area than rural area and the problem with this is a lot of people in the Legislature have an urban background and do not understand the problems associated with tobacco and the cigarette tax. Representative Faison added that Phase Two money did not come in this year because of tobacco settlement and there are families who have been counting on Phase Two money to educate their children and operate their households and there has been no money and the issue is tied up in litigation. Representative Faison stated that the tobacco buyout has been approved by Congress, but the Federal government is still trying to figure out regulations by which they were going to administer the buyout, and they are also going to pay this out over time. Representative Faison added that the agenda of those who want to raise the cigarette tax is not so much to raise revenues, but rather to wipe out cigarettes. Representative Faison stated that adding a tax on cigarettes is not a good thing because it does not need to be made more difficult for those who are trying to farm tobacco to make a living, and it would be just one more discouraging factor and now is just not the time to do this. Representative Faison added that he is not voting for this cigarette tax, is not compromising on this, and is urging others not to vote on it.

Representative Faison stated that he and Representative Nelson Cole are good friends, visit, talk, and Representative Cole has told him that he would continue to work with him for the benefit of the citizens of Caswell County. Representative Faison informed the Board that Representative Cole is the Chair of the Appropriations Sub-committee on Transportation and he remains in a position to do a lot of good for Caswell County.

Chairman Hall expressed the Board's appreciation to Representative Faison for attending the meeting tonight and listening to their concerns.

THE ADJOURNMENT

At 7:45 p.m. Commissioner Travis moved, seconded by Commissioner Ward to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

Nathaniel Hall
Chairman
